

Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101

BRADLEY G. TAYLOR

Nevada Bar No. 13778

**GORDON REES SCULLY MANSUKHANI, LLP**

300 S. 4th Street, Ste. 1550

Las Vegas, NV 89101

Phone: (702) 577-9300

Direct Line: (702) 577-9341

Fax: (702) 255-2858

E-Mail: [btaylor@grsm.com](mailto:btaylor@grsm.com)

CHRISTOPHER B. QUEALLY (*Admitted Pro Hac Vice*)

**GORDON REES SCULLY MANSUKHANI, LLP**

5 Park Plaza, Suite 1100

Irvine, CA 92614

Phone: (949) 255-6975

Fax: (949) 474-2060

E-Mail: [cqueally@grsm.com](mailto:cqueally@grsm.com)

*Attorneys for Plaintiff and Counterdefendant*

**PETER SCHULTZ, individually and as**

**Trustee of the SUNSHINE AND RAIN ASSET**

**MANAGEMENT IRREVOCABLE TRUST**

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

PETER SCHULTZ, individually and as trustee of  
the SUNSHINE AND RAIN ASSET  
MANAGEMENT IRREVOCABLE TRUST,

Plaintiff,

vs.

AMERICAN BATTERY TECHNOLOGY  
COMPANY, INC., a Nevada Corporation;  
ACTION STOCK TRANSFER COMPANY,  
INC., a Utah Corporation, and DOES 1 to 10,  
Inclusive,

Defendants.

AMERICAN BATTERY TECHNOLOGY  
COMPANY, INC. a Nevada Corporation;

Counterclaimant,

vs.

PETER SCHULTZ, individually and as trustee of  
the SUNSHINE AND RAIN ASSET  
MANAGEMENT IRREVOCABLE TRUST,

Counterdefendant.

CASE NO. 2:22-cv-01965-JAD-EJY

**STIPULATION EXTENDING TIME  
TO SERVE COMPLAINT ON  
DEFENDANT ACTION STOCK  
TRANSFER COMPANY, INC. AND  
FILE PROOF OF SERVICE; AND  
~~[PROPOSED]~~ ORDER**

Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101

1           1.       WHEREAS Plaintiff Peter Schultz, individually and as trustee of the Sunshine  
2 and Rain Asset Management Irrevocable Trust (“Plaintiff”) filed this action on November 22,  
3 2022 and named as a defendant Action Stock Transfer Corporation (“AST”), alleged to be a Utah  
4 entity.

5           2.       WHEREAS Plaintiff has alleged AST was the stock transfer agent of co-  
6 defendant American Battery Technology Corporation (“ABTC”) at all relevant times.

7           3.       WHEREAS ABTC has admitted in paragraph 17 of its Answer to the Complaint  
8 that AST did remove the restrictive legend on certain shares of stock issued by ABTC.

9           4.       WHEREAS the Court issued a Notice of Intent to Dismiss AST on March 13,  
10 2023, setting the deadline for filing a proof of service on AST as April 12, 2023.

11           5.       WHEREAS Plaintiff asserts it has diligently attempted to serve AST but as yet  
12 has been unable to effect service of process, including attempting to serve AST at its address for  
13 its agent for service of process and its headquarters in Utah on February 16, 2023, where the  
14 process server was told by the individual at the address that such individual could not accept  
15 service because AST had been taken over by Securities Transfer Corporation of Texas, and  
16 thereafter on March 29, 2023, Plaintiff asserts it attempted to serve Securities Transfer  
17 Corporation at its headquarters in Plano, Texas and the individual in the office refused to accept  
18 service and represented to the process server it was only an asset sale and not a merger.

19           6.       WHEREAS based on the foregoing, Plaintiff needs additional time to investigate  
20 the issue and effect service properly.

21           IT IS NOW THEREFORE AGREED AND STIPULATED TO THAT:

22           1.       The deadline for Plaintiff Peter Schultz, individually and as trustee of the  
23 Sunshine and Rain Asset Management Irrevocable Trust to effect service of process and file a

24 ///

25 ///

26 ///

27 ///

28 ///

proof of service is extended to **April 26, 2023**.

DATED this 12<sup>th</sup> day of April 2023.

**GORDON REES SCULLY  
MANSUKHANI, LLP**

/s/ Christopher B. Queally

BRADLEY G. TAYLOR  
Nevada Bar No. 13778  
300 S. 4th Street, Ste. 1550  
Las Vegas, NV 89101

CHRISTOPHER B. QUEALLY  
(Admitted Pro Hac Vice)  
5 Park Plaza, Suite 1100  
Irvine, CA 92614

*Attorneys for Plaintiff and Counterdefendant  
PETER SCHULTZ, individually and as  
Trustee of the SUNSHINE AND RAIN  
ASSET MANAGEMENT IRREVOCABLE  
TRUST*

DATED this 12<sup>th</sup> day of April 2023.

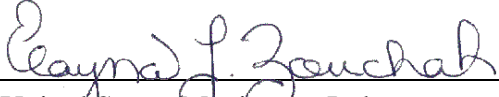
**DICKINSON WRIGHT PLLC**

/s/ Gabriel A. Blumberg

MICHAEL N. FEDER  
Nevada Bar No. 7332  
GABRIEL A. BLUMBERG  
Nevada Bar No. 12332  
3883 Howard Hughes Pkwy., Suite 800  
Las Vegas, Nevada 89169

*Attorneys for Defendant and Counterclaimant  
AMERICAN BATTERY TECHNOLOGY  
COMPANY, INC.*

IT IS SO ORDERED.

  
United States Magistrate Judge

Dated: April 12, 2023

**Gordon Rees Scully Mansukhani, LLP**  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101